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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/337,947	06/22/1999	ANDREAS STOEHRMANN	693	9744
7590 09/06/2006				
STRIKER STRIKER & STENBY 103 EAST NECK ROAD HUNTINGTON, NY 11743		EXAMINER EDWARDS, LAURA ESTELLE		
		ART UNIT PAPER NUMBER		
		1734		
DATE MAILED: 09/06/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/337,947

Applicant(s)

STOEHRMANN ET AL.

Examiner

Laura Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Specification

The disclosure is objected to because of the following informalities:

On page 13, lines 12-13, Applicants recite “extension roller 1” and this should be changed to --extension or expansion roller 11--.

On page 13, last line, “needling fingers 18” should be changed to --roll fingers 15--.

On page 14, line 5, “chain guide 12” should be changed to --chain guide 20--.

On page 14, line 14, “praying” should be changed to --spraying--.

On page 14, line 15, “needling device 17” should be changed to --needling device 7--.

On page 14, line 20, “needle block 19” should be changed to --needle box 19--.

On page 16, line 6, “spring” should be changed to --spin--.

On page 16, line 13, “pressure band 16” should be changed to --pressure band 17--.

On page 17, line 10, “m/man” should be changed to --m/min--.

On page 17, line 10, “clamping aggregates 2” should be changed to reflect the --tensioning chain 2--.

On page 24, lines 12-13, “pressing roller 38” should be changed to --pressing roller 37--.

On page 25, lines 13 and 14, “pressing roller 38” should be changed to --pressing roller 37--.

Note: Please check for any additional typographical errors within the disclosure.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

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Claims 12-15 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 12, line 3, Applicant recites “extending means” and in line 8, Applicant recites “said expanding means”, such that it is unclear whether the “extending means” is really meant to be --expanding means--. Presently, “said expanding means” lacks antecedent basis. Clarification is necessary.

In claim 12, lines 3-4, it is unclear as to the meaning of the phrase, “extending means and mounting said means for mounting”.

In claims 12 and 13, second line from the end of the claim, Applicant refers to openings and it is unclear what openings are being referred to for a glue track. Clarification is necessary.

In claim 13, lines 8 and 9, Applicant recites “said means” but it is unclear whether said means are meant to be mounting means or loosening means. Clarification is necessary.

In claim 14, lines 14 and 15, Applicant recites “said means” but it is unclear whether said means are meant to be mounting means or loosening means. Clarification is necessary.

In claim 14, lines 16-17, Applicant recites “the means” but it is unclear whether said means are meant to be mounting means or loosening means. Clarification is necessary.

In claim 15 (status identifier should be CURRENTLY AMENDED), Applicant depends claim 15 from claim 13. The original claim 15 depended from claim 14. Presently, without the correct claim dependency, “said pressing roller” lacks antecedent basis.

In claim 17, lines 14-16, Applicant recites “a pressing roller adapted to be arranged on the edges **above the product web** *under said needle box*; and a holding wire arranged laterally

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near said pressing roller on said needle box”. It is unclear how the pressing roller can be above the product web and then under the needle box that is underneath the web? While two different embodiments are shown (Fig. 5 and 7), one in which [brush] rollers are above and one pressing roller below, and the other embodiment with just one pressing roller below, the embodiment with the wire is in Fig. 7. Applicant needs to clarify which pressing roller arrangement is being claimed.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 9-13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cucuzza (US 5,030,303) in view of Boberg (US 5,985,070) and Kubiak et al (EP 0677333).

Cucuzza provides a tensioning aggregate arrangement for edge gluing a diaper product web comprising a device for edge gluing (col. 5, lines 36-57) and tensioning means (not shown; col. 5, lines 58-65) for tensioning the product web, the web appearing to be flat and smooth prior to communication with the edge gluing device wherein the edge gluing device includes a spraying nozzle for dispensing a spiral pattern of adhesive on the edges of the diaper product, the spraying nozzle being mounted on a carrying or transporting support (33), the nozzle being arranged at a predetermined distance from the product web. Cucuzza does not explicitly teach mounting means for mounting edges of the product web and a spin spraying type nozzle for applying the spiral spray pattern on adhesive on the diaper product web. However, it was known in the art, at the time the invention was to provide mounting means in the form of guide rollers

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for feeding a diaper product web into a region including tensioning means to expand and smooth a diaper web longitudinally and transversely for adhesive application as evidenced by Boberg (col. 1, lines 65 to col. 2, line 12; col. 3, lines 16-18; col. 3, lines 60 to col. 4, line 26; and col. 5, lines 25-55). It was also known in the art at the time the invention was made, to utilize a spin spraying type nozzle for applying an adhesive spiral spray pattern on a diaper product web without the adhesive accumulating on the nozzle and without the pattern being disrupted as evidenced by Kubiak et al (abstract; col. 1, lines 1-9 and lines 43-56). In light of the teachings above, it would have been obvious to one of ordinary skill in the art to provide mounting means as taught by Boberg in the Cucuzza arrangement in order to guide the product web into engagement with the tensioning means to effect a smooth and expanded diaper product web extended longitudinally and transversely for processing thereof. Furthermore, it would have been obvious to one of ordinary skill in the art to substitute the spin spray nozzle as taught by Kubiak et al in the arrangement defined by the combination above to enable application of the adhesive onto the product web without the adhesive accumulating on the nozzle and the pattern being disrupted.

With respect to claims 10 and 11, the nozzle defined by the combination above is carried or transported on a support as evidenced by Cucuzza (col. 5, lines 36-40) such that arranging the nozzle relative to surface of the product web would be effected via positioning of the nozzle via the support.

With respect to claims 12 and 13, the arrangement as defined by the combination above would allow for the product web to be fed into an inlet device including a plurality of guide rollers that would pull and/or tension the product web as conveyed about a sinusoidal path

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around said guide rollers such that eventually the product web would contact a tensioning chain having needles to impale the product web. As for the positioning of the adhesive nozzle in the arrangement, it would be within the purview of one skilled in the art to utilize the support to carry the nozzle to a desired location along the travel path of the moving web.

With respect to the use of a pressing roller as noted in claim 15, the arrangement as defined by the combination above would include at least one roller that supports or presses against the backside of the tension chain (see Boberg, Fig. 2, col. 4, lines 19-22).

With respect to the use of means for releasing the product web, the arrangement as defined by the combination above lacks a means for releasing the web, however, it would have been within the purview of one skill in the art to provide a releasing means in the arrangement in order to remove the treated product web from the needle based tension chain so as to prevent injury to the operator.

Allowable Subject Matter

Claims 14 and 17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

Applicant's arguments filed 1/06/06 have been fully considered but they are not persuasive.

Applicant contends that the intended use of the patents to Cucuzza and Boberg is to fastening elastic members not edge gluing a product web to effect stabilization of the edges of

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the product web and there is no motivation for the combination of the teachings of Cucuzza, Boberg and Kubiak et al.

Applicant's arguments are well taken, however, Applicant has recited apparatus claims not method claims such that the intended use of the apparatus has been given no patentable weight. However, Cucuzza does provide an apparatus having structure to place adhesive or glue on the edge of the product web. The insufficiencies of Cucuzza to include a mounting means and the particular type nozzle for the product web have been taught respectively by Boberg and Kubiak et al and the proper motivation for the combination of teachings have been supplied as required under *Graham v. Deere*.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Laura Edwards
Primary Examiner
Art Unit 1734

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September 1, 2006